

Notice of Allowability	Application No.	Applicant(s)	
	10/088,110	NISHIDA ET AL.	
	Examiner	Art Unit	
	Julian Mercado	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-14-2004.
2. ☒ The allowed claim(s) is/are 1,5-7,9,10 and 12-16.
3. ☒ The drawings filed on 15 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Remarks

This Office action is responsive to applicant's amendment filed July 14, 2004.

Claims 1, 5, 6, 7, 9, 10 and 12-16 are pending.

In view of the papers filed April 20, 2004 and February 21, 2003, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by replacing "Junji Nikura" with --JUNJI NIIKURA--.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Claim Rejections - 35 USC § 112

The rejection of claim 14 under 35 U.S.C. 112, second paragraph has been obviated.

Claim Rejections - 35 USC § 103

The rejection of claims 1, 6, 7, 9, 10, 12 and 13 under 35 U.S.C. 103(a) based on Neutzler and Hwang et al. has been withdrawn.

As a matter of record, the examiner does not agree with applicant's characterization that Hwang et al. is oxidative-*susceptible* while Neutzler is oxidative-

resistant. (emphasis as submitted). Both Neutzler and Hwang et al. are asserted as drawn to teaching corrosion-resistant separator plates. However, the examiner concedes with applicant that the diffused layer in Hwang et al. is directed towards corrosion-resistance with respect to reaction with the carbonate environment in a molten carbonate fuel cell. (col. 6 line 22-24) As the claims are drawn to a polymer electrolyte fuel cell and since Neutzler's disclosure is a fuel cell of the same type, combining Hwang et al.'s teachings of a diffused layer for corrosion-resistance from the carbonate environment in a molten carbonate fuel cell is deemed non-obvious since a polymer electrolyte fuel cell is absent of a corrosive carbonate environment.

Allowable Subject Matter

Claims 1, 5, 6, 7, 9, 10 and 12-16 are allowed.

Claims 5 and 14 are allowed for the reasons set forth in the prior Office action for claim 5 (now rewritten in independent form). New claims 15 and 16 are notably modeled to incorporate the allowable subject matter of claim 5. To this extent, the following is an examiner's statement of reasons for allowance for claims 15 and 16: the prior art of record does not teach or suggest the claimed island pattern of conductive film wherein the corrosion-resistant film is formed in a portion of the metal plate where the island pattern of conductive film is not formed.

With respect to claims 1, 6, 7, 9, 10, 12 and 13, the following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the claimed diffused layer, i.e. intermediate layer at an interface between the metal plate and the conductive compound film. The closest prior art, that to Hwang et al., is precluded

from being readable on a diffused layer or intermediate layer in a polymer electrolyte fuel cell for the reasons set forth above under the 35 USC § 103 rejections.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

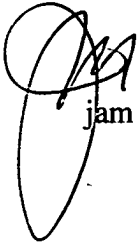
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1745

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



jam



PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER